



**ACT Health**

# Mandatory COVID-19 Vaccination Requirements

For work not covered by public health direction  
vaccination requirements

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# Contents

Policy Statement .....	1
Purpose .....	1
Scope.....	1
Roles and Responsibilities.....	2
Requirements.....	3
ACTPS COVID-19 vaccination policy requirements and public health orders .....	3
Undertaking a risk assessment .....	4
Implementing a mandatory COVID-19 vaccination requirement following a risk assessment.....	4
Evidence of vaccination .....	5
Medical exemptions.....	5
Workers who are not vaccinated or exempt .....	5
Privacy.....	6
Records Management.....	6
References and Related Documents.....	7
Definitions .....	8
Version Control .....	9

# Policy Statement

The ACT Health Directorate (ACTHD) will:

- take reasonable action to eliminate the risk of exposure to or transmission of COVID-19 in the workplace, and to minimise those risk as far as reasonably practicable (refer to the [COVID-19 WHS Information on HealthHQ](#))
- undertake risk assessments before mandating that a worker receive a COVID-19 vaccination, outside the requirements of a public health direction
- provide support for workers to receive a COVID-19 vaccination
- consult with workers and worker representatives:
  - prior to any decision to require a mandatory COVID-19 vaccination
  - during risk assessments
  - when implementing and reviewing this policy, and
- consider alternative work arrangements and reasonable adjustments for workers who have specific needs, while ensuring their health and safety.

The ACT Health Directorate (ACTHD) is also required to ensure that workers comply with mandatory vaccination requirements established by public health directions and Canberra Health Services (CHS) vaccination policies<sup>1</sup>. Information about this requirement is provided in the [Mandatory COVID-19 vaccination for ACT Health workers in health care facilities](#). The public health directions and CHS policy requirements will change from time to time. Current information must be checked regularly.

## Purpose

To outline the COVID-19 vaccination requirements (outside of the requirements of ACT public health directions) for workers, employed to work in the identified roles, where there is a high risk of COVID-19 transmission.

## Scope

This policy applies to the management of mandatory COVID-19 vaccination requirements for ACTHD workers, as a work health and safety (WHS) measure.

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<sup>1</sup> ACTHD employees regularly work at Canberra Health Services workplaces

Information about the mandatory vaccination requirements for workers, in accordance with the public health directions is provided in the [Mandatory COVID-19 vaccination for ACT Health workers in health care facilities](#).

## Roles and Responsibilities

Position	Responsibility
Executive Managers, Directors and Managers	<p>Ensure that:</p> <ul style="list-style-type: none"> <li>• risk assessments are undertaken for potential exposure to COVID-19, in consultation with workers and worker representatives</li> <li>• there is effective communication about mandatory vaccination requirements</li> <li>• records of vaccination or exemption for workers are maintained</li> <li>• other options are explored, including alternative work arrangements, where a worker chooses not to be vaccinated or unable to be vaccinated, and</li> <li>• provide reasonable time off and support for <a href="#">workers to receive a COVID-19 vaccination and manage any side effects</a>.</li> </ul>
Workers	<ul style="list-style-type: none"> <li>• Participate in COVID-19 risk assessment processes.</li> <li>• Communicate with their manager about any issues that prevent them receiving a COVID-19 vaccination, if relevant.</li> <li>• Where a mandatory vaccination requirement exists, provide evidence of:               <ul style="list-style-type: none"> <li>○ their vaccination status, to confirm they have received approved COVID-19 vaccine</li> <li>○ an approved public health or medical exemption, or</li> <li>○ discuss any concerns with their manager.</li> </ul> </li> </ul>
People Strategy and Culture Branch	<ul style="list-style-type: none"> <li>• Collect and maintain the records of vaccination or exemption for workers.</li> <li>• Ensure all recruitment advertisements clearly specify that COVID-19 vaccination or approved exemption status is required to work at in specific positions.</li> <li>• Provide advice on consultation processes, WHS risk management, alternative duties and redeployment.</li> <li>• Monitor the implementation the policy.</li> <li>• Initiate a review of risk assessments in response to changes in the community risk of COVID-19 or changes in ACTHD operations.</li> </ul>

# Requirements

## ACTPS COVID-19 vaccination policy requirements

An up-to-date COVID-19 vaccination:

- provides individual protection against severe effects of COVID-19
- protects the community by reducing the spread of the disease and reducing the risk of infection, and
- reduces the health, social and economic impact on communities by reducing the likelihood of outbreaks, hospitalisation, and other healthcare needs.

The [ACTPS framework for considering workplace COVID-19 vaccination requirements](#) provides guidance about how to plan, administer and review COVID-19 vaccination arrangements in the event that:

- an operation or workplace under a directorate's control becomes subject to a mandatory vaccination requirement detailed in a public health direction, and
- a WHS risk assessment determines that workers undertaking a specific role or in a specific workplace are required to have a COVID-19 vaccination.

Information about the mandatory vaccination requirements specified in a public health direction is available from at [ACT Health – Workers who are required to have a mandatory vaccination](#).

The Fair Work Ombudsman provides a tiered approach for considering mandating a COVID-19 vaccination for workers:

- **Tier 1** - Work where workers are required as part of their duties to interact with people with an increased risk of being infected with COVID-19.
- **Tier 2** - Work where workers are required to have close contact with people who are particularly vulnerable to the health impacts of COVID-19.
- **Tier 3** - Work where there is interaction or likely interaction between workers and other people such as customers, other workers or the public in the normal course of employment.
- **Tier 4** - Work where workers have minimal face to face interaction as part of their normal employment duties.

The Fair Work Ombudsman states that:

- a mandatory COVID-19 vaccination requirement can be considered for workers in Tier 1 and Tier 2
- job role's placement in a specific tier does not automatically require that a worker be vaccinated against COVID-19, and

- the tiers are designed inform a comprehensive risk assessment and consultation process.

## Undertaking a risk assessment

ACTHD will undertake a risk assessment of the COVID-19 risk for ACTHD positions that fall within Tier 1 or Tier 2, and are not identified in a public health direction mandating a COVID-19 vaccination or by another organisation in control of a workplace<sup>2</sup>.

Executive managers will identify positions that fit within the Tier 1 or Tier 2 categories and consult with People Strategy and Culture Branch about the requirement for a risk assessment.

The risk assessment will be undertaken in accordance with:

- section 3 of the [WHS Guideline](#), including consultation with workers and health and safety representatives (HSRs)
- the [ACTPS framework for considering workplace COVID-19 vaccination requirements](#), and
- the guidance issued by [Safe Work Australia](#) about risk assessments and controls for COVID-19 risks.

## Implementing a mandatory COVID-19 vaccination requirement following a risk assessment

Where a COVID-19 vaccination risk assessment concludes that a worker in a specific position, or group of positions, is required to have a COVID-19 vaccination to perform a role, ACTHD will:

- communicate and consult with the affected workers
- consult with relevant worker representatives, including HSRs
- include information about the mandatory vaccination/exemption requirement in the position description and job advertising
- provide information to affected workers about exemptions under the public health directions, medical exemptions and alternative work options
- provide reasonable time off and support for [workers to receive a COVID-19 vaccination and manage any side effects](#)<sup>3</sup>

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<sup>2</sup> Where a public health direction that mandates a COVID-19 vaccination applies to a position a WHS risk assessment is not required. In addition other organisations may mandate that visitors and contractors must have a COVID-19 vaccination to visit their workplaces.

<sup>3</sup> The support includes providing time off work without loss of pay if the vaccination appointment is during work hours and reasonable travel costs.

- consider any information provided by a worker about their exemption status or vaccination concerns
- discuss the risk of exposure to COVID-19 to a worker, who is unvaccinated and covered by an exemption, and:
  - implement agreed personal safety plans to ensure the health and safety of the worker, or
  - provide alternative duties, if required
- include information about the roles that are included in the mandatory COVID-19 vaccination requirement, based on a risk assessment, on HealthHQ, and
- maintain records of a worker's vaccination status or exemption, in accordance with the information privacy principles.

## Evidence of vaccination

Workers, who are required to have a COVID-19 vaccination as a condition of employment (or an inherent requirement) for a position, can provide:

- evidence from the [Australian Immunisation Register](#) for vaccines delivered in Australia, or
- a suitable record for a COVID-19 vaccination received overseas<sup>4</sup>.

## Medical exemptions

Workers with a legitimate reason for not receiving a COVID-19 vaccination for high risk work, that is, on medical grounds, will need to provide evidence of a medical exemption. Medical exemptions can be provided by qualified medical practitioner on the grounds that:

- the person has experienced a medical contraindication (that is, a severe adverse reaction) to a COVID-19 vaccine or an ingredient of the vaccine, or
- a required COVID-19 vaccine is not reasonably available, for example where a person has an acute major medical illness (refer to [Information for employees that require vaccination - COVID-19 \(act.gov.au\)](#)).

## Workers who are not vaccinated or exempt

Where a worker, who is in a position that requires a mandatory vaccination, refuses to provide evidence of an approved COVID-19 vaccination, or exemption in accordance with a public health direction, or a medical exemption, the manager will:

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<sup>4</sup> Specific public health directions must be checked, where they apply, to ascertain whether only COVID-19 vaccinations approved by the Australian Government will be accepted for the purpose of the public health direction.

- modify the worker's duties and implement personalised safety plans to reduce the risk of exposure to COVID-19
- discuss the worker's concerns and reasons to not get vaccinated, and
- refer the case to People Strategy and Culture Branch for advice about the application of the [ACTPS framework for considering workplace COVID-19 vaccination requirements](#).

If a worker is not vaccinated, or exempt, action will be taken to safeguard the:

- continued delivery of the work of the business unit
- health and safety of the worker, and
- employment of the worker.

When responding to employees with legitimate reasons for not having an up-to-date COVID-19 vaccination ACTHD will consider alternative work arrangements. Modifying the existing tasks and role will be explored in the first instance, taking into consideration the worker's transferrable skills, qualifications, and work experience.

Where it is necessary to redeploy a worker, the procedures of the *Public Sector Management Act 1994* will apply.

## Privacy

A worker's vaccination status or medical exemption information is protected under the *Information Privacy Act 2014* and the *Health Records (Privacy and Access) 1997*. The [Office of the Australian Information Commissioner](#) as provided information about privacy and COVID-19 vaccinations. A worker must consent to the collection of their medical information.

## Records Management

ACTHD will:

- accurately record the information that they collect, keep the record up to date and store it securely
- limit the use and disclosure of employee vaccination status evidence to only that which is necessary to prevent and manage COVID-19, and
- regularly review whether there is a requirement to hold this information.



# References and Related Documents

## References

- [ACTPS framework for considering workplace COVID-19 vaccination requirements](#)
- [Approved COVID-19 vaccines](#)
- [ACT Health – Workers who are required to have a mandatory vaccination](#)
- [COVID-19 vaccinations: workplace rights & obligations - Fair Work Ombudsman](#)
- [Coronavirus \(COVID-19\) Vaccinations: Understanding your privacy obligations to your staff \(oaic.gov.au\)](#)
- [Safe Work Australia](#)

## Legislation

- *Australian Human Rights Commission Act 1986 (Cth)*
- *Australian Immunisation Register Act 2015 (Cth)*
- *Fair Work Act 2009 (Cth)*
- *Information Privacy Act 2014 (ACT)*
- *Health Records (Privacy and Access) 1997 (ACT)*
- *Human Rights Act 2004 (ACT)*
- *Public Sector Management Act 1994 (ACT)*
- *Public Sector Management Standards 2016 (ACT)*
- *Work Health and Safety Act 2011 (ACT).*

## Supporting Documents

- [Mandatory COVID-19 vaccination for ACT Health workers in health care facilities](#)

# Definitions

Term	Definition
COVID-19	Coronavirus disease 2019, caused by the novel Coronavirus SARS-CoV-2.
COVID-19 vaccination and Up-to-date COVID-19 vaccination	Vaccination designed to prevent Coronavirus disease 2019, caused by the novel Coronavirus SARS-CoV-2. An up-to-date COVID-19 Vaccination is defined at: <a href="#">Information for employees that require vaccination - COVID-19 (act.gov.au)</a> .
Evidence of vaccination	Evidence of the employee's immunisation history statement from the <i>Australian Immunisation Register Act 2015 (Cth)</i> , or any other evidence in the form approved by the Chief Health Officer.
Exemption in accordance with an ACT public health order	An exemption is defined in a state or territory public health order and supporting information that sets out an acceptable reason that a worker does not need to have a COVID-19 vaccine. Refer to ACT Health information about the medical exemption and non-medical exemption requirements at: <a href="#">Information for employees that require vaccination - COVID-19 (act.gov.au)</a>
Medical Exemption	A medical exemption is provided by qualified medical practitioner on the grounds that: <ul style="list-style-type: none"> <li>the person has experienced a medical contraindication to a COVID-19 vaccine or an ingredient of the vaccine, or</li> <li>a required COVID-19 vaccine dose is not reasonably available.</li> </ul> Refer to ACT Health information at: <a href="#">Information for employees that require vaccination - COVID-19 (act.gov.au)</a>
People who are particularly vulnerable to the health impacts of COVID-19	Vulnerable people include: <ul style="list-style-type: none"> <li>Aboriginal and Torres Strait Islander people 50 years and older with one or more chronic medical conditions</li> <li>people 65 years and older with chronic medical conditions (conditions included in the definition of chronic medical conditions that increase the risk of serious illness from COVID-19)</li> <li>people 70 years and older, and</li> <li>people with compromised immune systems.</li> </ul> Note: The ACTPS WHS Guidance: COVID-19 and WHS Requirements for Vulnerable Workers has been used as a guide.

# Version Control

Version	Date	Comments
1.0	November 2022	First version

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